

E-Filed 8/20/12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PAUL OLIVER,
Petitioner,

No. C 11-5740 RS (PR)

ORDER OF DISMISSAL

v.

MICHAEL MARTEL,
Respondent.

This is a federal habeas corpus action. The petition was dismissed with leave to amend within 30 days. Instead of filing an amended petition, petitioner filed a motion to stay the action. The Court had instructed petitioner that **in his amended petition** he had to address the issue of exhaustion, and that he could include a motion to stay the action. All this, however, was to be included in an amended petition, which has not been filed. Because petitioner has failed to comply with the Court's order, the action is **DISMISSED** without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Any motion to reopen the action **must** contain an amended petition detailing **all** claims, exhausted and unexhausted, petitioner wishes to present for review. Any future motion to stay the action must, unlike the one petitioner filed, make a showing of good cause justifying a stay of the proceedings.

IT IS SO ORDERED.

DATED: August 20, 2012


RICHARD SEEBORG
United States District Judge

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